

## REMARKS

The Applicant appreciates the thorough examination given this application by the Examiner.

### Claim Rejection 35 USC § 112

Claims 8, 27 and 30 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses the rejections.

With regard to claim 8, support for Applicant's claimed use of an Internet connection as a wired connection is found at page 5, lines 13-16 ("The connections to the transmission system can be any compatible method including, by way of example, an RJ-11 switch for land line telephone, an 8 pin modular jack such as an RJ-45 type jack, for ISDN, LAN, Internet or Ethernet transmission, or other."); page 6, lines 21-23 ("The apparatus and method of the invention permit transparent selection of any first priority transmission system over secondary systems, as demonstrated in Fig. 2B. This is true whether the wired systems is landline telephone, Internet, network or other."); page 6 lines 27-30 ("When a transmission is initiated, as shown at 19, the system first checks for the lowest cost connection, such as the Internet on an RJ-45 network connection at 21 and uses the Internet as indicated at 23, if available. If the Internet connection is not available at 25, the system defaults to an ISDN connection, as shown at 27."); page 8, lines 23-25 ("Transmission systems can be any of the available systems ranging from, by way of example, land line telephone, cellular telephone, radio, Internet, Ethernet, LAN and other systems."); and Fig. 2D.

With respect to claim 27, Applicant notes that it was rejected in paragraphs 3 and 4, both of which cite §112, first paragraph. With regard to claim 27, support for Applicant's claimed determination of peak or off-peak periods as a one of the operating conditions is found at page 11, lines 8-10 ("Time of day may be a factor in choosing priorities as well, depending on whether a transmission is sent during peak or off-peak periods.").

With regard to claim 30, support for Applicant's claimed connector capable of supporting an Internet, Ethernet or LAN connection is found at page 5, line 13-17 ("The connections to the transmission system can be any compatible method including, by way of example, an RJ-11 switch for land line telephone, an 8 pin modular jack such as an RJ-45 type jack, for ISDN, LAN,

Internet or Ethernet transmission, or other. While for convenience of discussion reference is made to RJ-11 and RJ-45 jacks throughout the description, such terms are not intended to be limiting.")

### **Claims Rejection 35 USC § 102**

The Patent Examiner has rejected claims 1-12, 15-16, 18-26, and 33-44, as being anticipated by O'Sullivan (US 4,697,281). O'Sullivan is directed to a data communication system which is adapted to effectively transmit a data stream over a cellular telephone network. O'Sullivan teaches a method for transmitting data from a transmitting station over a cellular telephone system to a receiving station by means of a modem. The modem is connected to a cellular telephone system which modulates a carrier signal with a data signal. O'Sullivan further includes the steps of placing the modem in the activated state, providing a data signal to the modem, and maintaining the modem in the activated state for a predetermined time period after a loss of the carrier signal. The modem after the set period of time is allowed to deactivate, therefore causing the modem to remain in the activated state after the loss of the carrier signal which prepares it for the circumstance that the carrier signal resumes within said predetermined time period.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

O'Sullivan has limited itself to a data communication system which is adapted to effectively transmit a data stream over a cellular telephone network. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-12, 15-16, 18-26, and 33-44.

The Patent Examiner has rejected claims 1, 2, 4, 6, 7, 9-17, 25, 26, 28, 28, 33-37, and 43, as being anticipated by Gillig (US 5,127,042). Gillig is directed to providing an improved cellular cordless telephone that places both cellular telephone calls and cordless telephone calls. Further, that it automatically operates as a cordless telephone whenever it is in range of its corresponding cordless base station. Gillig teaches the method of originating telephone calls in a cellular cordless telephone that has memory, cellular transceiver and cordless transceiver. The phone can originate a call according to a pre-selected preference, a cellular telephone call on cellular radio channels of cellular telephone system and a cordless telephone call on at least one cordless radio channel of a base station coupled to a telephone landline having a landline telephone number. Gillig teaches storing the pre-selected preference in the phones memory, thereafter determining availability of at least one of the cellular radio channels of the cellular telephone system and the at least one cordless radio channel of the cordless telephone system. The phone then selects a first call of said cellular telephone call or said cordless telephone call corresponding to said stored pre-selected preference and originating the first call and automatically originating a second call of the cellular telephone call or the cordless telephone call not corresponding to the stored pre-selected preference and determined to having availability when the first call can not be successfully originated.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting

between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Gillig has limited itself to provide an improved cellular cordless telephone that may place both cellular telephone calls and cordless telephone calls. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 6, 7, 9-17, 25, 26, 28, 28, 33-37, and 43.

The Patent Examiner has rejected claims 1, 2, 4, 6, 7, 9-17, 25, 26, 28, 29, 33-37, and 41-44, as being anticipated by Schellinger (US 5,260,988 and CPA US 5,842,122). Schellinger is directed to a portable telephone that may receive calls in both cordless and cellular telephone systems. Schellinger teaches a phone which transmits and receives messages first on a radio system having a limited radio coverage area and which alternatively transmits and receives messages on a second radio system having a wide radio coverage area. Schellinger teaches phone that can determine the availability of a radio channel associated with the first radio system and can monitor a radio channel associated with the second radio system when the first radio channel has been determined to be unavailable.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual

image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Shellinger has limited itself to provide cellular phone calls of radio signals. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 6, 7, 9-17, 25, 26, 28, 28, 33-37, and 41-44.

The Patent Examiner has rejected claims 1-4, 12-17, 23, 26, 28, and 33-36, as being anticipated by Fyfe (US 5,428,666). Fyfe is directed to mobile telephones having a plurality of number assignment modules, each designating a cellular system to which the mobile telephone subscribes. Fyfe teaches a mobile radio-telephone capable of requesting communication services from any of a plurality of cellular telephone systems that each transmit and receive data over a plurality of voice channels and a plurality of control channels. The radio-telephone uses a transceiver for sending and receiving signals over channels and a memory which includes a plurality of number assignment modules, each modules storing data. The phone uses scanning means coupled with the transceiver and the memory for scanning control channels. The scanning means scans the control channels within the range specified in a selected number assignment module and identify from the control channels scanned the control channel that has the strongest received control signal, the control channel with the strongest control signal is the identified control channel which the call is made on.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention to provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual

image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Fyfe has limited itself to mobile telephones having a plurality of number assignment modules, each designating a cellular system to which the mobile telephone subscribes. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. In fact, the invention in Fyfe can be used along with the Applicant's invention to aid the transmission of the cellular call. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-4, 12-17, 23, 26, 28, and 33-36.

The Patent Examiner has rejected claims 1-7, 9-19, 22, 25, 26, 28, 33-37, and 39-44, as being anticipated by Cashman (US 5,819,184). Cashman is directed to switching wireless portable subscriber stations between both data and voice modes. Cashman teaches a wireless subscriber station arranged for communication with a first communication system and a Cellular Digital Packet Data (CDPD) communication system. The CDPD communication system includes first time adjustment means for selecting a first time interval (T204) between consecutive CDPD paging messages sent from said CDPD communication system to said wireless subscriber station. The wireless subscriber station can request communication on the first communication system and requests CDPD communication. The wireless subscriber station can also select for a second time interval (T203) starting at a most recent CDPD communication and ending when said wireless subscriber station is configured to enter a CDPD sleep mode. The wireless subscriber station also has means for synchronizing the first and second time intervals to determine respective CDPD and first communication system operation schedules enabling it to select operation on the first communication system during said second time interval; and alternating between control channels of said CDPD and first communication systems to receive cell configuration data.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without

disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Cashman has limited itself to relates to switching wireless portable subscriber stations between both data and voice modes. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-7, 9-19, 22, 25, 26, 28, 33-37, and 39-44.

The Patent Examiner has rejected claims 1-7, 9-17, 22, 23, 25, 26, 28, 33-38, and 32-44, as being anticipated by Dent (US 5,903,835). Dent is directed to portable wireless communication devices for communicating through orbital satellites. Dent teaches a satellite communications device using satellite converter circuits for receiving and transmitting signals to an orbiting satellite. The communication device uses a first loop-disconnect telephone interface for connecting to the public switched telephone network and a second loop-disconnect telephone interface for connecting to a wireline telephone, wherein calls received from the public switched telephone network are routed to the wireline telephone causing the telephone to ring and calls received via the orbiting satellite are routed to said wireline telephone causing the telephone to ring if the telephone is not already engaged with a call received via the public switched telephone network.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting

between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Dent has limited itself to portable wireless communication devices for communicating through orbital satellites. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. In fact it can be used with the Applicant's invention to receive calls directed through orbiting satellites. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-7, 9-17, 22, 23, 25, 26, 28, 33-38, and 32-44.

The Patent Examiner has rejected claims 1-6, 9-12, 15-26, 28, 33-38, 40, 41, 43, and 44, as being anticipated by Shimosako (US 5,915,002). Shimosako is directed to a communication device which is either stored in a network terminal equipment or connected to an external section of such terminal equipment, that can be selectively connected to either one of a cable channel and a radio channel. Shimosako is directed to provide a communication device of a compact size and of a low price, which is provided with an automatic detecting function for detecting a type of a channel, the communication device ensuring an excellent usability for a user and eliminating a need of a special adaptor. Shimosako teaches a communication device, having a connections for a cable channel and for connecting radio channels. The device uses inversion detection for detecting a DC current flowing through the cable channel and supervises the direction of the DC current after a call is made through the cable channel so as to determine if a receiving end has responded. The device then detects a dial-tone signal transmitted through the radio channel in an off-hook state and determines that the cable channel is connected to the device when the inversion detection detects the DC current flowing through the cable channel, while it determines that the radio channel is connected to device when said dial-tone signal detection detects the dial-tone signal. The device then switches an input/output path for a communication signal between the cable channel connection and the radio channel connection according to a result of detection.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The



selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Shimisako has limited itself to provide a communication device of a compact size and of a low price, which is provided with an automatic detecting function for detecting a type of a channel, the communication device ensuring an excellent usability for a user and eliminating a need of a special adaptor. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-6, 9-12, 15-26, 28, 33-38, 40, 41, 43, and 44.

The Patent Examiner has rejected claims 1-20, 22, 24-26, 28, 33-37, 39, 40, 43, and 44, as being anticipated by Seazholtz (US 5,920,821). Seazholtz is directed to methods for efficiently registering cellular subscriber stations by automatically downloading system data pertaining to preferred foreign cellular providers with which the cellular subscriber stations can communicate. Seazholtz teaches a system for downloading data to radio telephone subscriber units, using a control means for updating at least one data list to be downloaded to radio telephone subscriber units and generating a version number corresponding to a most-current data list. The Seazholtz system broadcasts the version number to the radio telephone subscriber units on a cellular digital packet data (CDPD) frequency, where the radio telephone subscribers receive the version number and compare the version number to a version number previously stored in each of said radio telephone subscriber units. Additionally, each radio telephone subscriber unit can initiate via a CDPD channel a download of the data list based upon said comparison of said version numbers.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Seazholtz has limited itself to provide registering cellular subscriber stations by automatically downloading system data pertaining to preferred foreign cellular providers with which the cellular subscriber stations can communicate. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. In fact the Applicant's invention can be used with Seazholtz in the cellular phone transmission. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-20, 22, 24-26, 28, 33-37, 39, 40, 43, and 44.

The Patent Examiner has rejected claims 1, 2, 4, 5, 9-17, 26, 28, 33-37, and 41-44, as being anticipated by Molne (US 5,999,811). Molne is directed to provide roaming data associated with any type of system which can be accessed, changed, and updated by both the user and the operator or by the operator on command from the user. Molne teaches a mobile station which can communicate with at least one first type of radio communication network that uses digitally modulated radio signals and at least one second type of radio communication network that uses analog modulated radio signals. The mobile station uses a transceiver for transmitting and receiving both analog and digitally modulated signals and a subscriber identity module (SIM) for storing a roaming selection list at the a first predetermined memory location. The mobile station creates a first entry including a first pointer to a second predetermined memory location in the

SIM wherein an identity of a home network of said first type is stored and a second entry including an identity of a home network of said second type and a third entry including a second pointer to a third predetermined memory location in the SIM and wherein at least one identity of other networks of said first type are stored. A processor for scanning control channels associated with networks which provide radio communication coverage in an area in selects the highest priority network pointed to roaming selection list that is available in said area.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Molne has limited itself to provide roaming data associated with any type of system which can be accessed, changed and updated by both the user and the operator or by the operator on command from the user. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. In fact the Applicant's invention can be used with Molne in the cellular phone transmission. It is requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 5, 9-17, 26, 28, 33-37, and 41-44.

The Patent Examiner has rejected claims 1-4, 12-17, 23, 26, 33-36, and 43, as being anticipated by Blakeney (US 6,085,085). Blakeney is directed to method and apparatus for selecting a preferred communication system in a subscriber station capable of operation in a plurality of geographical regions. Blakeney teaches a method for selecting a communication

system for acquisition by a subscriber station. Blakeney teaches receiving from a first communication system a single system identification code indicative of the system identity of the first communication system; and then referring to a table previously stored within the subscriber station to determine, based on the single system identification code, at least one other communication system, having a different system identification code than the received system identification code and which operates in a same geographical region as the first communication system.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Blakeney has limited itself to a method for selecting a communication system for acquisition by a subscriber station. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. In fact the Applicant's invention can be used with Blakeney in the cellular phone transmission. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-4, 12-17, 23, 26, 33-36, and 43.

The Patent Examiner has rejected claims 1-4, 12-17, 23, 26, 33-36, and 43, as being anticipated by Kukkohovi (US 6,119,003). Kukkohovi is directed to method for performing automatic mode selection with a multimode user terminal when operating with networks that do not support inter-network roaming. Kukkohovi teaches a wireless user terminal of a type that is

capable of communicating with a plurality of networks that do not support internetwork roaming. Kukkohovi teaches of scanning for a first network having a highest assigned priority and registering in the first network if the first network is available for use. Thereafter if the highest priority network is not found, or becomes unavailable for use, automatically scanning for a second network having a second highest assigned priority and registering in the second network if the second network is available for use, followed by automatically scanning for the first network while registered in the second network; and registering in the first network if the first network is available for use. If the terminal is granted only limited service when registering into the first network, or is switched from a full service state, the limited service is a subset of the full service that is available to the terminal from the first network, then begin periodically scanning for the second network while still registered in the first network.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Kukkohovi has limited itself to a wireless user terminal of a type that is capable of communicating with a plurality of networks that do not support internetwork roaming. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-4, 12-17, 23, 26, 33-36, and 43.

The Patent Examiner has rejected claims 1-3, 6, 7, 9-22, 25, 26, 33-36, 37, 40, and 43, as being anticipated by Liebenow (US 6,131,136). Liebenow is directed to computer modems capable of interfacing with land-line and wireless communications networks. Liebenow teaches a dual mode modem for automatically selecting between wireless and wire-based communication modes. The the modem uses mode selection circuitry coupled to the modem processing circuitry, a wired interface selectively coupled to a wire-based communications network, and a wireless interface selectively coupled to a wireless communications network. The modem 's mode selection circuitry routes data between the modem processing circuitry and the wired interface when the wired interface is coupled to the wire-based communications network, and routes data between the modem processing circuitry and the wireless interface when the wired interface is not coupled to the wire-based communications network. The dual modem automatically switches between a wireless and wire-based communication modes using mode selection circuitry that detects when a wire-based communications network, is coupled to the modem. When the wire-based communications network is coupled to the modem, the modem selection circuitry couples modem processing circuitry to a wire-based interface. When the wire-based communications network is not coupled to the modem, the modem selection circuitry couples the modem processing circuitry to a wireless interface. The wireless interface is powered for coupling to a wireless communications network, such as a cellular phone network, when the wired interface is not coupled to the wire-based communications network. The wireless interface is not powered when the modem is coupled to the wire-based communications network. The mode selection circuitry comprises switching circuitry coupled to detection circuitry, and the selection circuitry selectively couples the modem processing circuitry to the wire-based or wireless communication network based on a signal from the detection circuitry.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without

disruption to the user. Further the Applicant's invention provides for automatically selecting between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

Liebenow has limited itself computer modems capable of interfacing with land-line and wireless communications networks. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-3, 6, 7, 9-22, 25, 26, 33-36, 37, 40, and 43.

The Patent Examiner has rejected claims 1-4, 6, 7, 9, 10, 20, 22, 25-28, 33, and 41-44, as being anticipated by Rabe (US 6,138,010). Rabe is directed to multimode communication devices and methods for operating such communication devices. Rabe teaches a method for operating a communication device on a plurality of communication systems by establishing first communication on a first communication system by initiating a communication link between the communication device and the first communication system using a first communication circuit and a shared communication resource of the communication device. The device detects a request to communicate on a second communication system that inactivates the first communication circuit while maintaining the communication link and establishes second communication on the second communication system using a second communication circuit and the shared communication resource of the communication device.

By way of contrast, Applicant's invention is directed to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. The selection criteria may be implemented by a solid state switch, a mechanical interface or a voltage, protocol or signal detector to establish priorities and select transmission system depending upon a variety of factors, including quality of signal, costs, encryption requirements and the like. The Applicant's invention provides for a simple and reliable method and apparatus for selecting one of a plurality of transmission systems for transmitting data in a transparent manner, without disruption to the user. Further the Applicant's invention provides for automatically selecting

between a wired and a wireless transmission system between multiple wired systems or between multiple wireless systems. Additionally, the invention provides for a method and apparatus for automatically selecting between a wired and a wireless transmission system for transmitting visual image data collected by a remote hand held capture and transmission device. The Applicant's invention utilizes a variety of detection systems to determine which wireline system to use.

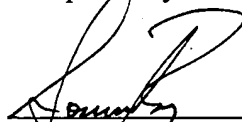
Rabe has limited itself multimode communication devices and methods for operating such communication devices. It does not speak to a method and apparatus for selecting between wireless or wired operation that is simple and transparent to the user. It is requested that the Examiner reconsider and withdraw the rejection of claims 1-3, 6, 7, 9-22, 25, 26, 33-36, 37, 40, and 43.

**Claims Rejection 35 USC § 103**

The Patent Examiner has rejected claims 8, 29, 30, 31, and 32 as being obvious in light of Liebenow, or Shimosako, or Dent, or O'Sullivan. As noted above these patents neither disclose the subject matter of the Applicant's invention nor do they teach the Applicant's invention. These patents do not address the method and apparatus for selecting between wireless or wired operation. Some of the cited patent may be used to along with the Applicant's invention to facilitate the transmission of the data through cellular phones. Since these patents do not address the subject matter of the Applicant's invention they do not make the Applicant's invention obvious. It is requested that the Examiner reconsider and withdraw the rejection of claims 8, 29, 30, 31, and 32.

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested. The Commissioner is hereby authorized to charge or credit any fees to Deposit Account 50-0259.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## re Application

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For: APPARATUS AND METHOD FOR  
SELECTION OF A CIRCUIT IN  
MULTI-CIRCUIT  
COMMUNICATIONS DEVICE

§ §

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**CLAIMS AS AMENDED 7/10/01**

1. A method of selecting a transmission system from a plurality of transmission systems for input signals captured at a remote location, comprising the steps of:
  - a. providing access to multiple transmission systems in a prioritized hierarchy;
  - b. detecting the presence of the highest priority transmission system;
  - c. selecting the highest priority transmission system;
  - d. selecting the next highest priority transmission system if the highest priority transmission system is not available.
2. A method in accordance with claim 1, wherein the detecting step includes the steps of:
  - a. verifying the presence of the highest priority transmission system;
  - b. confirming the operability of the highest priority transmission system.
3. A method in accordance with claim 1, wherein the input signal is a data signal.
4. A method in accordance with claim 1, wherein the input signal is an audio signal.
5. A method in accordance with claim 1, including a plurality of input signal formats comprising a data signal and an audio signal, the method further including the steps of:
  - a. determining whether the signal is of one class or another class signal;

b. selecting a first transmission system as the highest priority transmission system if the signal is of said one class;

c. selecting a second transmission system as the highest priority transmission system if the signal is of said other class.

6. A method in accordance with claim 2, wherein one of said transmission systems is wired.

7. A method in accordance with claim 6, wherein said wired transmission system is a land line POTS telephone.

8. A method in accordance with claim 6, wherein said wired transmission is an Internet connection.

9. A method in accordance with claim 6, wherein one of said transmission systems is wireless.

10. A method in accordance with claim 9, wherein said wireless transmission system is a cellular telephone system.

11. A method in accordance with claim 9, wherein said wireless transmission system is a PCS (Personal Communication Services) radio system.

12. A method in accordance with claim 2, wherein each of said transmission systems is wireless.

13. A method in accordance with claim 2, wherein at least one of said wireless transmission systems is a cellular telephone system and at least one other of said wireless transmission systems is a PCS (Personal Communication Services) radio system.

14. A method in accordance with claim 2, wherein all of said transmission systems are PCS (Personal Communication Services) radio systems.

15. An apparatus for selecting one of a plurality of transmission systems for transmitting an input signal captured by a remote device, comprising:

- a. a connector for connecting the device to a first transmission system interface;
- b. a second, default transmission system provided as an integral component of the device;
- c. a detector for detecting the presence of a first transmission system;

d. a control system for selecting the first transmission system whenever it is present and for selecting the default transmission system whenever the first transmission system is not present.

16. An apparatus in accordance with claim 15, further comprising a verification device for confirming the operability of the first transmission system, once detected, wherein said control system is operable to select the default transmission system whenever the first transmission system is inoperable.

17. An apparatus in accordance with claim 15, wherein said detector is adapted for detecting the physical presence of the first transmission system interface.

18. An apparatus in accordance with claim 15, wherein said detector is a switch having an activated position and a deactivated position, and wherein the presence of a first transmission interface engages the switch and moves it from the deactivated position to the activated position.

19. An apparatus in accordance with claim 18, wherein said detector is a signal detector operable to initiate transmission in the presence of a predetermined signal.

20. An apparatus in accordance with claim 19, wherein said signal is a voltage level.

21. An apparatus in accordance with claim 19, wherein said signal is an audio signal.

22. An apparatus in accordance with claim 15, wherein the input signal is a data signal.

23. A apparatus in accordance with claim 15, wherein the input signal is an audio signal.

24. An apparatus in accordance with claim 23, including a plurality of input signal formats comprising a data signal and an audio signal, the apparatus further comprising a signal detector for determining whether the signal is a data signal or an audio signal wherein the control system is adapted for selecting the first transmission system if the signal is a data signal and selecting the second transmission system if the signal is an audio signal.

25. An apparatus in accordance with claim 15, wherein one of said transmission systems is wired.

26. An apparatus in accordance with claim 15, wherein one of said transmission systems is wireless.

27. A method of selecting a transmission system from a plurality of systems by establishing prioritizing criteria based on input signals, operating conditions, wherein one of the operating conditions is the determination of whether the transmission is occurring during peak or off-peak periods, and functionality of the selected transmission system, comprising the steps of:

a. establishing a priority hierarchy based on three sets of criteria comprising: class of input signal, operating conditions and functional characteristics of the transmission systems;

a. providing a first priority transmission system;

b. providing at least a second priority transmission system;

c. selecting the first priority transmission system over the second priority transmission system for transmitting the input signal captured at the remote location;

d. defaulting to the second priority transmission system in the event that the first priority transmission system is not available.

28. An apparatus for selecting one of a plurality of transmission systems for transmitting an input signal captured by a remote device, comprising:

a. a portable handset transceiver;

b. a connector for connecting the handset to a first transmission system interface;

b. a second, default transmission system provided as an integral component of the device;

c. a detector for detecting the presence of a first transmission system;

d. a control system for selecting the first transmission system whenever it is present and for selecting the default transmission system whenever the first transmission system is not present.

29. An apparatus as called for in claim 28, wherein said handset is a wireless transceiver and wherein said connector is an RJ-11 jack for connecting the handset to a wire line telephone system.

30. An apparatus as called for in claim 28, wherein said handset is a wireless transceiver and wherein said connector is capable of supporting an Internet, Ethernet or LAN connection.

31. An apparatus as called for in claim 30, wherein said connector is a modular eight-pin jack.

32. An apparatus as called for in claim 30, wherein said connector is an RJ-45 jack.

33. A processor based apparatus for selecting a transmission system from a plurality of systems by establishing prioritizing criteria based on input signals, operating conditions and functionality of the selected transmission system, comprising:

- a. means for establishing a priority hierarchy based on three sets of criteria comprising: class of input signal, operating conditions and functional characteristics of the transmission systems;
- b. means for providing a first priority transmission system;
- c. means for providing at least a second priority transmission system;
- d. means for selecting the first priority transmission system over the second priority transmission system for transmitting the input signal captured at the remote location;
- e. means for defaulting to the second priority transmission system in the event that the first priority transmission system is not available.

34. A processor based system as called for in claim 33, wherein said priority criteria is pre-programmed.

35. A processor based system as called for in claim 34, wherein said priority criteria is operator controlled.

36. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for verifying the presence of a transmission circuit.

37. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for determining switch status.

38. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for determining the presence of line voltage.

39. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for detecting the presence of an audio signal or tone.

40. A processor based system as called for in claim 34, wherein said processor is further programmed to provide a modem interface.

41. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for digital/analog conversion.

42. A processor based system as called for in claim 34, wherein said processor is further programmed to provide a CODEC conversion.

43. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for protocol selection and implementation.

44. A processor based system as called for in claim 34, wherein said processor is further programmed to provide means for verifying the data modes or classes.